

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

FILED
U.S. BANKRUPTCY COURT
2023 FEB 22 PM 2:51

In re:

RAHUL DEV MANCHANDA,

Debtor

Chapter 7

Case No. 23-22095 (SHL)
Adversary Proceeding 24-07010

DEBTOR OPPOSITION TO AUSA DANA WALSH KUMAR MOTION TO STRIKE

TO: THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

The Debtor, Rahul Dev Manchanda, submits this Opposition to AUSA Dana Walsh Kumar's Motion to Strike as follows:

1. First of all, nothing in FRBP § 7012 gives AUSA Dana Walsh Kumar or anyone else the authority or permission to file a Motion to Strike anything from Debtor's pleading.
2. This is more of the same empty arguments couched in serious captions designed to distract the court from the fact that the US Attorneys' "adversary proceeding" against Debtor is chock full of bald faced lies, deception, fabrication, exaggeration, admitted incompetence, failures to understand simple bank statements and tax returns, and other abusive, vexatious, frivolous, taxpayer-wasting conduct covered by Rule 11 Sanctions.
3. AUSA Dana Walsh Kumar is constantly getting "offended" by Debtor's legal and equitable defenses against her own constant "scandalous, offensive, *ad hominem* material," and her instant "Motion to Strike" is pure projection, and gaslighting, against Debtor, for her own behavior.

4. It appears that she operates as, "do as I say, not as I do."
5. AUSA Dana Walsh Kumar has been given a Debtor Response containing and pointing out specifically, no less than 100 of her abject lies, fabrications, false statements, perjury, sexism, discrimination, and other conduct sanctionable under Rule 11, of which she still has 11 days to both respond to and defend (which Debtor submits that she can not, hence this is why she resorts to a cowardly evasive "Motion to Strike," for which there is no authority in her cited FRBP § 7012).
6. Those who live in glass houses, should not throw stones.
7. In fact, the court should "strike" any and all of AUSA Dana Walsh Kumar's "redundant, immaterial, impertinent, or scandalous material" as per Debtor's reply.
8. AUSA Dana Walsh seeks to strike out each and every one of Debtor's legal defenses and offenses because she has been caught in so many lies, deceit, fraud, perjury, and false allegations, that she is too overwhelmed and frankly, lazy, to simply respond to, point by point.
9. This court has censored and silenced and sealed already too much of Debtor's legal defenses over the past 1.5 years to skew this case towards opposing counsel, so enough is enough.
10. Let her respond to the points made.
11. She also gives no specifics of what exactly "offends her," just numbered paragraphs of the majority of Debtor's brilliant, incisive, and effective Reply Affirmation refuting all of her false statements, scandalous allegations, fraudulent comments, and bad faith arguments.

12. AUSA Dana Walsh Kumar gaslights both this court and the Debtor, as she was the first one to name and shame Debtor's wife numerous times, first at the 2 day deposition, and now in public pleadings, even though she has absolutely nothing to do with Debtor's bankruptcy case, referring to her in disrespectful, slanderous, insulting ways that infuriated, offended, and incensed Debtor, especially when his wife Sylwia is suffering from a new life-threatening brain tumor, due to the 2 year stress marathon caused by certain taxpayer funded abusive lawyers in the US Attorneys and US Trustees Office.

WHEREFORE, for the above referenced reasons,

- A. Approve Debtor's discharge;
- B. Determine that Debtor's federal income tax liabilities for tax years 2009-2013, 2015, and 2022, including interest and penalties, are dischargeable;
- C. Determine that the SBA Loan is dischargeable; and
- D. Award the Debtor costs in this action, and such other and further relief as the Court determines to be just and proper.

Dated: 04/20/2024

Respectfully submitted,

RAHUL DEV MANCHANDA
Pro Se Debtor



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New Rochelle, NY 10804
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Email: rdm@manchanda-law.com

CERTIFICATE OF SERVICE

On April 20, 2024, I, Rahul Manchanda, served DEBTOR OPPOSITION TO AUSA DANA WALSH KUMAR MOTION TO STRIKE and any attached pages to 86 Chambers Street, 3rd Floor, New York NY 10007 via U.S. Mail.



By: Rahul Manchanda, Esq.
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DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
By: **DANA WALSH KUMAR**
Assistant United States Attorney
86 Chambers Street, 3rd Floor
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Hearing Date: May 16, 2024
Hearing Time: 11:00 a.m.
Objections: May 9, 2024

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RAHUL DEV MANCHANDA,

Debtor.

Chapter 7

Case No. 23-22095 (SHL)

UNITED STATES OF AMERICA,

Plaintiff,

- against -

RAHUL DEV MANCHANDA,

Defendant.

Adv. Proc. No. 24-7010 (SHL)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Application, the United States of America, on behalf of the Internal Revenue Service and the Small Business Administration, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, will move this Court before the Honorable Sean H. Lane, United States Bankruptcy Judge, at 300 Quarropas Street, White Plains, New York 10601 on May 16, 2024 at 11:00 a.m., or as soon thereafter as counsel can be heard for an order pursuant to Federal Rule of Bankruptcy Procedure

Nothing in
FRBP 7012
gives AUSA
7012 striking portions of the "Debtor Reply Affirmation to AUSA Dana Walsh Kumar," filed by Dana Walsh Kumar or anyone else the authority or permission to file a Motion to Strike anything from Debtor's pleading. This is more of the same empty arguments couched in serious captions designed to distract the court from the fact that the US Attorneys "adversary proceeding" against Debtor is chock full of bald faced lies, deception, fabrication, exaggeration, admitted incompetence, failures to understand simple bank statements and tax returns, and other abusive, vexatious, frivolous conduct covered by Rule 11 Sanctions.

the Debtor-Defendant, Rahul Dev Manchanda, in the above-captioned Adversary Proceeding (ECF No. 3).

PLEASE TAKE FURTHER NOTICE that any responsive papers should be filed with the Court and personally served on the United States Attorney's Office, at 86 Chambers Street, Floor 3, New York, New York 10007, to the attention of Assistant United States Attorney Dana Walsh Kumar, no later than May 9, 2024. Such papers shall conform to the Federal Rules of Bankruptcy Procedure and this Court's rules and identify the party on whose behalf the papers are submitted, the nature of the response, and the basis for such response.

Dated: New York, New York
April 19, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Dana Walsh Kumar
DANA WALSH KUMAR
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Via FedEx, ECF, and Email:
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Chapter 7 Debtor

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RAHUL DEV MANCHANDA,

Debtor.

Chapter 7

Case No. 23-22095 (SHL)

UNITED STATES OF AMERICA,

Plaintiff,

- against -

RAHUL DEV MANCHANDA,

Defendant.

Adv. Proc. No. 24-7010 (SHL)

**APPLICATION OF THE UNITED STATES FOR AN ORDER STRIKING PORTIONS
OF DEBTOR'S REPLY AFFIRMATION**

**TO: THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE**

The United States of America (the "United States" or the "Government"), on behalf of the Internal Revenue Service ("IRS") and the Small Business Administration ("SBA"), by its attorney, Damian Williams, United States Attorney for the Southern District of New York, hereby move this Court for an order, substantially in the form attached hereto as Exhibit A (the "Proposed Order") pursuant to Bankruptcy Rule 7012 striking portions of the "Debtor Reply Affirmation to AUSA Dana Walsh Kumar," filed by the Debtor-Defendant, Rahul Dev Manchanda ("Manchanda" or "Defendant"), in the above-captioned Adversary Proceeding (ECF No. 3) (the "Affirmation"). In support of this motion, the United States represents and alleges as follows:

1. On March 25, 2024, the United States filed an Adversary Complaint against Defendant objecting to a discharge in his Chapter 7 bankruptcy or, in the alternative, to determine

Strike anything from Debtor's pleading. This is more of the same empty arguments couched in serious captions designed to distract the court from the fact that the US Attorneys "adversary proceeding" against Debtor is chock full of bald faced lies, deception, fabrication, exaggeration, admitted incompetence, failures to understand simple bank statements and tax returns, and other abusive, vexatious, frivolous conduct covered by Rule 11 Sanctions.

Again,
nothing in
FRBP 7012
gives AUSA
Dana Walsh
Kumar or
anyone else
the authority
or permission
to file a
Motion to

that his debts to the Government are nondischargeable. *See* Adv. Proc. No. 24-7010, ECF No. 1 (the "Complaint").

2. On March 28, 2024, Defendant filed a document titled "Debtor Reply Affirmation to AUSA Dana Walsh Kumar," which purports to respond to the Complaint. Adv. Proc. No. 24-7010, ECF No. 3 (the "Affirmation").¹ The Affirmation is replete with scandalous and offensive material, including ad hominem attacks against counsel for the United States.

3. Pursuant to Federal Rule of Civil Procedure 12(f), which applies to this adversary proceeding pursuant to Federal Rule of Bankruptcy Procedure 7012, the "court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f).
Then the court should also "strike" any and all of AUSA Dana Walsh Kumar's "redundant, immaterial, impertinent, or scandalous material."

4. Impertinent matter consists of "statements that do not pertain, and are not necessary, to the issues in question," and scandalous matter is "that which improperly casts a derogatory light on someone, most typically on a party to the action." *In re Montagne*, No. 08-10916, 2009 WL 32394, at *2 (Bankr. D. Vt. Jan. 5, 2009) (internal quotation marks omitted); *see also Tucker v. Am. Int'l Grp., Inc.*, 936 F. Supp. 2d 1, 16 (D. Conn. 2013) ("With respect to a motion to strike scandalous material, a scandalous allegation has been described as one that reflects unnecessarily on the defendant's moral character, or uses repulsive language that detracts from the dignity of the court." (internal quotation marks omitted)); *In re Food Mgmt. Grp. LLC*, 359 B.R. 543, 557 (Bankr. S.D.N.Y. 2007) ("Scandalous matter is defined in Black's Law Dictionary as been given a Debtor Response containing and pointing out no less than 100 of her abject lies, fabrications, false statements, perjury, sexism, discrimination, and other conduct sanctionable under Rule 11, of which she still has 11 days to both respond to and defend (which Debtor submits that she can't, this is why she resorts to a cowardly evasive "Motion to Strike" for which there is no authority in her cited FRBP 7012.

¹ It is unclear whether Defendant intends for the Affirmation to serve as his Answer to the Complaint since it does not appear to comport with Federal Rule of Civil Procedure 8(b), which applies to adversary proceedings. *See* Fed. R. Bankr. Proc. 7008. The United States, however, for purposes of this motion, assumes that the Affirmation constitutes a pleading in the adversary proceeding.

matter that is both grossly disgraceful (or defamatory) and irrelevant to the action or defense.”

(internal quotation marks omitted)).

5. The following paragraphs in the Affirmation contain immaterial, impertinent and/or scandalous matter: Paragraphs 1, 2, 2a, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 18, 21, 23, 24, 27, 29, 31, 33, 38, 46, 49, 50, 51, 55, 57, 79, 82, 83, and 85.² Defendant repeats many of these statements in typed annotations to the Complaint on pages 19 to 42 of the Affirmation.

6. These paragraphs and the annotated Complaint contain personal attacks against

Such as what?

AUSA Dana

Walsh Kumar again gaslights both this court and Debtor as she named Debtor's wife numerous times even though she has absolutely nothing to do with Debtor's bankruptcy case, referring to her in disrespectful, slanderous, insulting ways family member of counsel for the United States who has no relation to this proceeding. See that infuriated, offended, and incensed the Debtor, especially when Sylwia is suffering from a new brain tumor due to stress. Affirmation ¶¶ 2, 6.

7. In addition to being derogatory, Defendant's inappropriate statements are not

Specifics?

relevant to the case and therefore have no proper purpose for being included in a pleading.

8. The annotated Complaint, which is attached to the Affirmation, contains both

Specifics?

scandalous material and is redundant as it largely repeats Defendant's statements in the Affirmation.

9. Accordingly, the paragraphs listed above and the entire annotated Complaint

Specifics?

attached to the Affirmation, which contain scandalous material and/or are redundant, should be stricken from the docket pursuant to Rule 12(f). See *In re Campora*, No. 14-70330-AST, 2014 WL 4980027, at *11 (Bankr. E.D.N.Y. Oct. 6, 2014) (striking notice containing “unquestionably”

² The entire Affirmation is replete with personal attacks and scandalous matter that detracts from the dignity of the Court. Nonetheless, the listed paragraphs contain the most egregious material.

Specifics?

scandalous allegations that had no bearing on the case and where debtor had no basis to make such Specifics?
allegations other than his displeasure regarding prior litigations).

Dated: April 19, 2024
New York, New York

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Dana Walsh Kumar
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EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RAHUL DEV MANCHANDA,

Debtor.

Chapter 7

Case No. 23-22095 (SHL)

UNITED STATES OF AMERICA,

Plaintiff,

- against -

RAHUL DEV MANCHANDA,

Defendant.

Adv. Proc. No. 24-7010 (SHL)

ORDER STRIKING PORTIONS OF DEBTOR REPLY AFFIRMATION

Upon the application of the United States, for an order pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure, which incorporates Rule 12(f) of the Federal Rules of Civil Procedure, striking portions of the "Debtor Reply Affirmation to AUSA Dana Walsh Kumar," filed by the Debtor-Defendant, Rahul Dev Manchanda, in Adversary Proceeding No. 24-7010 (SHL) (ECF No. 3) (the "Affirmation"); finding that good and sufficient service of the Application has been given; and after due deliberation and sufficient cause appearing, therefore, it is

ORDERED, that the Application is GRANTED; and it is further

ORDERED, that pursuant to Bankruptcy Rule 7012, Paragraphs 1, 2, 2a, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 18, 21, 23, 24, 27, 29, 31, 33, 38, 46, 49, 50, 51, 55, 57, 79, 82, 83, and 85 of the Affirmation, as well as the annotated Complaint attached to the Affirmation (pages 19-42 thereof), are hereby stricken from the record.

Dated: New York, New York
May __, 2024

HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE